

STEVEN KALAR
Federal Public Defender
JOYCE LEAVITT
Assistant Federal Public Defender
1301 Clay Street, Suite 1350N
Oakland, CA 94612
(510) 637-3500

Counsel for Defendant ASHLEY SMITH

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ASHLEY CEDRICK SMITH,

Defendant.

No. CR 15-0194 JST

STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING CHANGE OF
PLEA DATE; EXCLUSION OF TIME

STIPULATION

IT IS HEREBY STIPULATED, by and between the parties to this action, that the change of plea date for Ashley Cedrick Smith, currently scheduled for Friday, December 11, 2015, at 9:30 a.m., may be continued to Friday, December 18, 2015, at 9:30 a.m. The parties have been working diligently to finalize the agreement. Continuing the matter by one week should allow them to complete this process. Furthermore, a one week continuance will enable (1) the parties to provide a copy of the agreement to the Court sufficiently in advance, and (2) defense counsel to review the final plea agreement with Mr. Smith and answer all of his questions prior to his change of plea.

IT IS FURTHER STIPULATED THAT the time from December 11, 2015, to December 18,

2015, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(1)(A) and (h)(7)(B)(iv) for effective preparation of counsel so that the parties can finalize the agreement and defense counsel can review it with Mr. Smith prior to his change of plea.

DATED: 12/10/15

/s/
JOYCE LEAVITT
Assistant Federal Public Defender

DATED: 12/10/15

/s/
SARAH HAWKINS
Assistant United States Attorney

I hereby attest that I have permission of the parties to enter a conformed signature (/s/) for all signatures within this e-filed document.

ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the date for Ashley Cedrick Smith is hereby continued one week to Friday, December 18, 2015, at 9:30 a.m. for change of plea.

IT IS FURTHER ORDERED THAT the time from December 11, 2015, to December 18, 2015, is excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(1)(A) and (h)(7)(B)(iv) for effective preparation of counsel taking into consideration due diligence so that the parties can finalize the agreement and defense counsel can review it with Mr. Smith prior to the change of plea. The Court finds there is good cause and the ends of justice served by the granting of the continuance outweigh the interests of the public and defendant in a speedy and public trial. Failure to grant the requested continuance would unreasonably deny counsel reasonable time necessary for effective preparation, taking into account due diligence.

SO ORDERED.

DATED: December 10, 2015


HON. JON S. TIGAR
United States District Judge